

**FILED
UNDER
SEAL**

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Armando Castro-Marquez**

Case Number: **2:12CR00351**

Name of Sentencing Judicial Officer: **Honorable Lloyd D. George**

Date of Original Sentence: **June 17, 2013**

Original Offense: **Unlawful Possession of Firearm and Ammunition by Convicted Felon**

Original Sentence: **70 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **November 22, 2017**

Name of Assigned Judicial Officer: **Honorable Kent J. Dawson**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

On September 3, 2019, Castro-Marquez submitted a urine specimen which tested presumptive positive for methamphetamine and marijuana. Castro-Marquez admitted he ingested a pill later identified to him as an illegal substance on or about August 31, 2019.

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2. **C.A.R.E. Program** – You shall participate in the C.A.R.E. Program for a period of up to seven months as approved and directed by the probation officer. While participating in the program, if you test positive for alcohol, or any controlled substance, and/or any form of synthetic marijuana or synthetic stimulants, you will be taken into custody for a minimum period of seven days.

On September 3, 2019, Castro-Marquez provided a urine specimen that tested presumptive positive for methamphetamine and marijuana. Castro-Marquez admitted he ingested a pill later identified to him as an illegal substance on or about August 31, 2019.

3. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program.

☒ Location monitoring technology at the discretion of the probation officer.

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community (choose one):

☒ You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer (**Home Detention**).

- A. On August 27, 2019, Castro-Marquez left his residence without prior approval at 7:09 AM when his scheduled approved time to leave his residence was 8:00 AM.
- B. On September 1, 2019, Castro-Marquez left his residence without prior approval, where he went outside his residence noted by a Beacon Did not Enter alert at 2:00 PM, a Beacon Leave alert at 2:22 PM, and a Beacon Unauthorized Enter Alert at 2:30 PM. Castro-Marquez admitted he left the area of his home he was instructed to remain in during restricted hours.

U.S. Probation Officer Recommendation:

The term of supervision should be:

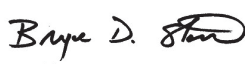
☒ Revoked

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I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **September 4, 2019**

 Bryce Darrell Stark
2019.09.04
18:38:52 -07'00'

Bryce D. Stark
United States Probation Officer


Approved:

 Benjamin Johnson
2019.09.04 17:04:20
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

9/5/2019

Date

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. ARMANDO CASTRO-MARQUEZ, 2:12CR00351**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
September 4, 2019**

By way of case history, on September 18, 2018, Castro-Marquez's conditions were modified to include home confinement with location monitoring for a period of 30 days. This was in response to Castro-Marquez violating his release conditions by living at an unreported address. The offender's reason for not disclosing his true address was that he was residing with a female with history of methamphetamine use; and she had a pending matter with Child Protective Services.

Castro-Marquez has a history of actively abusing methamphetamine. On May 14, 2019, USPO Brandee Davis instructed Castro-Marquez to report in office to submit to a drug test. Castro-Marquez reported in office and was unable to provide a sample. USPO Davis instructed Castro-Marquez to report back in office the morning of May 15, 2019 to submit to a drug test.

On May 15, 2019, Castro-Marquez reported to the office and tested positive for methamphetamine. He admitted to taking ecstasy on Sunday, May 12, 2019 and admitted to eating a marijuana brownie approximately three weeks before then. Castro-Marquez admitted that this is the reason he did not provide a urine specimen for testing during his office visit on May 14, 2019. Castro-Marquez was placed back on random drug testing and referred for substance abuse treatment. Castro-Marquez apologized for his actions and pledged to cease use of all substances. The Court was notified of this violation with a recommendation for deferred action.

On May 28, 2019, Castro-Marquez failed to report for drug testing. USPO Davis contacted the offender on May 29, 2019 and instructed him to report to the probation office that same date. Castro-Marquez stated that he had car trouble and was unable to report to the office by the end of business. USPO Davis instructed Castro-Marquez to report in office at the opening of business on May 30, 2019 to drug test. Castro-Marquez reported in office late on May 30, 2019 to submit to a drug test. Once in office, Castro-Marquez stated that he could not provide a urine sample. USPO Davis instructed him to wait in the office lobby until he could void. Castro-Marquez eventually voided and was positive for methamphetamine and marijuana. Castro-Marquez admitted he used methamphetamine again on May 26, 2019, stating that he was with his female friend and they "popped pills" together.

In response to his ongoing drug use, the Probation Office proposed modification to the offender's conditions to include home confinement with location monitoring. Castro-Marquez agreed and executed a Waiver of Hearing form.

On June 5, 2019, a report to modify the offender's conditions as noted above was filed with the Court.

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After filing the violation notice for modification, Castro-Marquez continued to use methamphetamine and miss drug tests. Specifically, on June 9, 2019, Castro-Marquez failed to report for drug testing. USPO Davis contacted the offender on June 10, 2019 and instructed him to report to the probation office that same date. Castro-Marquez reported in office to provide a urine sample and the urine specimen was diluted. USPO Davis asked Castro-Marquez when was the last time he used any illicit substances, and he stated at least a week. Castro-Marquez stated that he had been drinking water all day. It should be noted an effective way to defeat a drug test is to consume copious amounts of fluid to “flush” the system. It appears Castro-Marquez was engaging in this practice to avoid detection of his ongoing drug use. Later that date, Castro-Marquez reported back in office and submitted to another diluted sample. A third sample was later collected and still diluted. USPO Davis instructed Castro-Marquez to report back in office at open of business on June 11, 2019.

Castro-Marquez reported in office on June 11, 2019 to drug test. Castro-Marquez provided a sample which was diluted once again. USPO Davis asked Castro-Marquez if he used any drugs since admitting last use on or about May 26, 2019. Castro-Marquez stated that he did not; however, after leaving the office called USPO Davis to report he re-used methamphetamine on June 11, 2019.

It was evident Castro-Marquez was spiraling and required intensive treatment at this juncture. As such, on June 13, 2019, USPO Davis contacted Castro-Marquez to discuss a plan to help him achieve abstinence. USPO Davis proposed his participation in the United States Probation Office’s Chemical Abuse Recovery Environment (C.A.R.E.) Program. Castro-Marquez initially agreed to participation in the C.A.R.E. Program and stated that he would report in office to sign all necessary paperwork to get the modification processed.

Castro-Marquez reported in office and stated that he changed his mind and was not willing to participate in the C.A.R.E. Program. Castro-Marquez further stated that he would rather be in custody instead of participating in C.A.R.E., citing his inability to work while in C.A.R.E. as one of the reasons for changing his mind. USPO Davis tried to again explain to Castro-Marquez why he was given this option and Castro-Marquez stated that he understood and “would rather go back to court to just serve the rest of his time.”

On August 7, 2019, Castro-Marquez appeared before Your Honor for a revocation hearing, where he admitted to violations noted in the petition presented before the Court, as well as the addendum. The Court found the violations to be true, ordered his supervision be continued under the current conditions, and modified conditions to add the C.A.R.E. Program. It was further ordered that Castro-Marquez serve a custody term of four months, suspended, contingent upon completing the C.A.R.E. Program. On August 14, 2019, conditions were modified to include home confinement with electronic monitoring.


Castro-Marquez started the C.A.R.E. Program on August 23, 2019. As noted in the petition, he violated conditions related to electronic monitoring and drug use. Castro-Marquez does not appear to be a willing participant in the C.A.R.E. Program. Due to his continued drug use he is

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considered a danger to himself and the community. It was noted that on the date he admitted he used an illegal substance, he was home with his one-year old child. As such, the Probation Office respectfully requests the issuance of a warrant to initiate revocation proceedings. It is further recommended Castro-Marquez remain in custody pending disposition of this matter, as both a flight risk and possible danger to the community.

Respectfully submitted,

 Bryce Darrell Stark
2019.09.04
18:39:16 -07'00'

Bryce D. Stark
United States Probation Officer

Approved:

 Benjamin Johnson
2019.09.04 17:04:43
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer